

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE:

CASE NO.15-10465-TMD

RAMON VARELA BECERRA

DEBTOR

CHAPTER 13

**CHAPTER 13 TRUSTEE'S OBJECTION TO
CONFIRMATION OF PROPOSED CHAPTER 13 PLAN
AND REQUEST FOR INTERIM DISBURSEMENT**

TO THE HONORABLE JUDGE TONY M. DAVIS, UNITED STATES BANKRUPTCY
JUDGE:

Comes now Deborah B. Langehennig, Chapter 13 Trustee (hereinafter "Trustee") in the above-captioned and numbered bankruptcy proceeding and files this *Objection to Confirmation of Proposed Chapter 13 Plan and Request for Interim Disbursement*. The Trustee submits the proposed plan does not meet the requirements of 11 U.S.C. §1325(a) and/or §1325(b) and in support would respectfully show that at the Section 341 meeting of creditors held on May 13, 2015 the Trustee or a representative of the Trustee requested action on the following issues:

I.

Schedules are inaccurate or incomplete and need amendment as discussed at the Section 341 meeting of Creditors on May 13, 2015.

II.

Statement of Financial Affairs is inaccurate or incomplete and needs amendment as discussed at the Section 341 meeting on May 13, 2015.

III.

The Debtor's plan does not fund sufficiently to pay secured and/or priority claims in full.

IV.

The Debtor is delinquent in making plan payments in the amount of \$475.00.

V.

Tax returns must be filed and/or provided to the Chapter 13 Trustee as discussed at the Section 341 meeting on May 13, 2015.

VI.

The Debtor must file a Declaration Concerning Confirmation Requirements no later than 7 days prior to Confirmation Hearing.

VII.

The Trustee requests an amended pay order be filed for the Debtor.

VIII.

The Trustee requests pay stubs from Mr. Becerra's new job upon receipt as discussed at the Section 341 meeting on May 13, 2015.

IX.

The Trustee requests proof of post-petition payments for a storage shed that is scheduled to be paid direct by the Debtor to Cook Portable Buildings.

X.

The Debtor's plan does not provide for full receipt of all projected disposable income. The Debtor has scheduled payments to be paid outside the Plan towards "Cook Building" in the amount of \$159.00 per month. The Plan as proposed does not make any provision for the payment towards the Plan once the "Cook Building" expense ends, which is anticipated to occur prior to completion of the plan term. It is the position of the Trustee that the Debtor has, by proposing Plan payments in an amount substantially less than that of her disposable income, failed to provide that all of her disposable income will be paid into the Plan per the requirements of 11 U.S.C. §§1325(b)(1)(B) and (b)(2)(A). In the Matter of Nowlin, 576 F.3d 258 (5th Cir. 2009).

XI.

The Trustee objects to the Debtor's Plan on the basis that the arrearage claim for Cook Portable Buildings is listed in the wrong section of the plan. The Trustee requests an amended plan.

XII.

To the extent that the Trustee has funds on hand at the time of the next and future disbursements to creditors, the Trustee requests that should confirmation of the proposed Plan be denied or reset, she be authorized to immediately disburse, pre-confirmation, the funds on hand to creditors with allowed secured and/or priority claims provided for in the proposed Plan on a pro rata basis, along with the payment of the Trustee fee for disbursement, on a monthly basis following entry of the Order Denying Confirmation.

PRAYER

The Trustee requests that the Debtor appear at the confirmation hearing. If these issues are not fully resolved, the Trustee requests that confirmation be denied and that the case be dismissed.

Respectfully submitted,

/s/ Deborah B. Langehennig
Deborah B. Langehennig
3801 S Capital Of Texas Hwy
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(512) 912-0305

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CERTIFICATE OF SERVICE

I, Deborah B. Langehennig, certify that a true and correct copy of the Trustee's Objection to Confirmation of Proposed Chapter 13 Plan has been mailed by US Mail (unless otherwise noted below) to the Debtor and the Debtor's Attorney of Record at the addresses listed below on or about May 22, 2015.

DOUGLAS J POWELL
820 W 10TH ST
AUSTIN, TX 78701
(SERVED ELECTRONICALLY)

RAMON VARELA BECERRA
PO BOX 455
ELGIN, TX 78621

U.S. TRUSTEE
903 SAN JACINTO, SUITE 230
AUSTIN, TX 78701
(SERVED ELECTRONICALLY)

Respectfully submitted,

/s/ Deborah B. Langehennig
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